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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,885	12/29/2000	Peter Rosler	00-223	8374

7590 09/26/2003

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/751,885	ROSLER, PETER
	Examiner Alfred Joseph Wujciak	Art Unit 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 December 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

This is the final Office Action for the serial number 09/751,885, Hanger for Plastic Bags and Pouches, filed on 12/29/00.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 15, 17-24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 3,707,271 to Sanchez et al.

Sanchez et al. teaches a hanger for a bag (figure 1) comprising a body (5), at least one holding strip (8), a card body (4) having at least one recess (3), and at least one film hinge (1). The card body includes a fastening surface (14). The holding strip cooperates with the body to define a gap between the holding strip and the body (figure 5 shows space between the holding strip and card body). The hanger further comprises a means for latching (19) the holding strip in a closed position adjacent to the side of body (figure 6). Means for latching the holding strip in a releasably and permanently latch (18) the holding strip to the fastening surface of the body. The holding strip is oriented substantially parallel to a major and minor edge of the body (figure 1). Means for latching extends through the bag that is maintained between the holding strip and

the body (figure 1). The film hinge (1) is oriented in a substantially vertical position (figure 3).

Claims 9-10, 16, 25-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. and in view of US Patent # 4,983,047 to Netto.

Sanchez et al. teaches means for latching but fails to teach means for latching comprising mandrels. Netto teaches means for latching comprising mandrels (9). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have constructed Sanchez et al. means for latching with mandrels as taught by Netto to provide an additional security for the bag to maintain in the body.

In regard to claims 16 and 32, Sanchez et al. teaches the film hinge but fails to teach the film hinge is oriented in a substantially horizontal position. Netto teaches a film hinge (4) that is in a substantially horizontal position. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Sanchez et al. film hinge from vertical position to horizontal position as taught by Netto to provide a designer preference for closing the holding strip in vertical direction.

Claims 11-14 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanchez et al. in view of France Patent # 2,579,174 to Ausnit.

Sanchez et al. teaches the body and the holding strip define a transverse cavity (figure 5) that receives the bag but fails to teach the bag having a closure bead. Ausnit teaches the bag having a closure bead (38). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have constructed Sanchez et al. bag with a closure bead as taught by Ausnit to provide a security for an object to maintain in the bag.

Response to Arguments

Applicant's arguments filed 1/7/03 have been fully considered but they are not persuasive.

With respect to applicant's argument in pages 3-4, stating that "Sanchez (C) nowhere describes or suggests a gap 'that is defined between the holding strip and the fastening surface' as required by claim 1." In figure 5 of Sanchez's invention shows that the holding strip (8) is not connected or contacting the fastening surface (14). There is a space therebetween the holding strip and the fastening surface, which produces a gap or opening space. The reason for having a gap or opening space therebetween to allow the bag to open or close without adjusting elements 15 and 16 which clamp the bag onto the fastening surface and the holding strip.

In regard to page 5 of applicant's argument stating that Sanchez does not teach the card body (4) because in the specification of Sanchez's invention states element (4) is a "back wall." Card body or back wall does not have different shape or function

because they both are flat and mounted on a support for holding bag on the hanger. They also are considered as a fixed element to provide a support for the holding strip to mount thereon when supporting the bag.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Alfred J Wujciak III
Examiner
Art Unit 3632




Korie Chan
Primary Examiner
Art Unit 3632

9/22/03